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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

KEVIN TERRELL LEE,

Defendant and Appellant.

E056763

(Super.Ct.No. RIF10003600)

OPINION

APPEAL from the Superior Court of Riverside County. Michael B. Donner,
Judge. Affirmed with directions.

John F. Schuck, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Kevin Terrell Lee pled guilty to possession of
methamphetamine for sale (Health & Saf. Code, § 11378), and admitted that he had
suffered one prior serious and violent felony strike conviction (Pen. Code, §§ 667,

subds. (c) & (e)(2)(A), 1170.12, subd. (c)(2)(A)). Defendant was subsequently sentenced to a total term of six years in state prison with credit of 464 days for time served.

Approximately one year later, in June 2012, defendant filed a petition to modify his presentence custody credits pursuant to amended Penal Code section 4019, which became operative on October 1, 2011. The trial court summarily denied that petition.

Defendant appeals from the denial of his request to modify his presentence custody credits. We find no error and affirm. However, as pointed out by appellate counsel, the abstract of judgment incorrectly notes that defendant was convicted by a “jury,” rather than by a “plea,” and we will therefore order the abstract of judgment amended accordingly.

I¹

DISCUSSION

Defendant appealed and, upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of the case, a summary of the facts and potential arguable issues, and requesting this court conduct an independent review of the record.

We offered defendant an opportunity to file a personal supplemental brief, but he has not done so. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the record for potential error and find no arguable issues.

¹ The details of defendant’s criminal conduct are not relevant to the limited issue he raises in this appeal, and we will not recount them here.

II

DISPOSITION

The superior court clerk is directed to correct the abstract of judgment filed August 3, 2011, to reflect that defendant was convicted by a “plea,” and to forward a corrected copy of the abstract of judgment to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

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RAMIREZ

P. J.

We concur:

McKINSTER

J.

CODRINGTON

J.